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SUBJECT: KOSOVO STATUS NEGOTIATIONS: MAY 23 MEETING ON
RELIGIOUS SITES AND CULTURAL HERITAGE

REF: HOVENIER-EUR/SCE 5/24 EMAIL

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THIS CABLE IS SENSITIVE BUT UNCLASSIFIED. PLEASE HANDLE
ACCORDINGLY.

¶1. (U) THIS CABLE IS AN UPDATE FROM THE U.S. LIAISON OFFICER
IN THE OFFICE OF THE UN SPECIAL ENVOY FOR KOSOVO STATUS
(UNOSEK). A MORE DETAILED READOUT OF THE MAY 23 NEGOTIATION
SESSION IS GIVEN REF.

SUMMARY

¶2. (SBU) THE MAY 23 MEETING ON RELIGIOUS SITES AND CULTURAL
HERITAGE WAS MORE PRODUCTIVE THAN EXPECTED. THE MEETING
GENERALLY TOOK PLACE IN A BUSINESS-LIKE ATMOSPHERE THAT
FACILITATED DISCUSSION. THE SIDES AGREED ON A NUMBER OF
ISSUES, INCLUDING THE SERBIAN ORTHODOX CHURCH'S (SOC)
OWNERSHIP OF ITS PROPERTY AND CONTROL OF ACCESS TO IT, THE
NEED FOR FREEDOM OF MOVEMENT AND FOR PHYSICAL SECURITY FOR
SOME CHURCH SITES, AND THE CHURCH'S RIGHT TO RECEIVE SUPPORT
FROM DONORS INCLUDING BELGRADE. HOWEVER, BELGRADE INSISTED
ON ITS PROPOSAL TO INCLUDE SOC SITES IN A "SERB ENTITY" THAT
WOULD BE COMPRISED OF SERB-MAJORITY MUNICIPALITIES AND SOC
SITES. BELGRADE ALSO PUT FORWARD FAR-REACHING PROPOSALS FOR
PROTECTIVE ZONES AROUND CHURCH SITES. AS A NEXT STEP, BOTH
SIDES AGREED TO A UNOSEK-ORGANIZED/LED EXPERT TEAM TO REVIEW
POSSIBLE PROTECTION ZONES AND DEVELOP PROPOSALS.

AREAS OF DIFFERENCE

¶3. (SBU) THE FOLLOWING WERE THE MAIN AREAS OF DIFFERENCE
BETWEEN BELGRADE AND PRISTINA:

--DECENTRALIZATION/SERB ENTITY: THE BELGRADE DELEGATION
INSISTED THAT THE PROTECTION OF THE CHURCH IS PART OF
BELGRADE'S BROADER SCHEME AND LINKED TO DECENTRALIZATION.
SEVERAL TIMES THEY MADE EXPLICIT THAT WHAT THEY SEEK IS A
"SERB ENTITY" THAT WOULD BE COMPRISED OF THE SERB-MAJORITY
MUNICIPALITIES AND THE PROTECTIVE ZONES AROUND THE SERB
ORTHODOX SITES LOCATED OUTSIDE OF SERB-MAJORITY
MUNICIPALITIES. (NOTE: UNOSEK REVIEWED THE TERM "ENTITY"
BOTH WITH THE BELGRADE DELEGATION AND WITH THE TRANSLATORS;
BOTH CONFIRMED THIS WAS WHAT WAS MEANT.)

--PROTECTIVE ZONES: THE BELGRADE DELEGATION TABLED AN
AMBITIOUS SET OF PROPOSALS FOR PROTECTIVE ZONES. THEY
IDENTIFIED 11 SITES (AND SAID THEY HAD SEVERAL MORE THAT
THEY ARE DEVELOPING) THAT REQUIRED THEM. THE LARGEST WAS
DECANI (OVER 4,000 HECTARES), WHILE MOST WERE IN THE

HUNDREDS OF HECTARES AND ENCOMPASSED PRIVATE PROPERTY (OWNED BY ALBANIANS AND, IN SOME CASES SERBS) AND STATE-OWNED PROPERTY. WHEN ASKED ABOUT CRITERIA, BELGRADE SAID PART OF THE CRITERIA WAS THE FACT THAT MOST OF THIS LAND HAD BEEN PREVIOUSLY OWNED BY THE SERBIAN ORTHODOX CHURCH AND HAD BEEN EXPROPRIATED AFTER WORLD WAR II. PRISTINA INSISTED THAT THE ZONES NEED TO PROTECT THE CHURCHES THEMSELVES AND SHOULD NOT BE LINKED TO PROPERTY RESTITUTION. ITS INITIAL PROPOSAL ON PROTECTION ZONES WAS A 50-METER RADIUS IN URBAN AREAS, AND A 100-METER RADIUS IN RURAL AREAS, FOLLOWING THE "GRENADE CONVENTION."

--RESTORATION AND RECONSTRUCTION: THE SIDES AGREED THAT THE PRESENT MECHANISM (THE RECONSTRUCTION IMPLEMENTATION COMMITTEE - RIC) IS WORKING FINE, AND SHOULD CONTINUE FOR THE TIME BEING. BOTH SIDES ALSO AGREED THAT AS OWNER OF THE PROPERTIES, THE SOC SHOULD HAVE THE RIGHT TO DECIDE ON RECONSTRUCTION/RESTORATION. HOWEVER, BELGRADE INSISTED ON THE PRINCIPLE THAT THE SERBIAN STATE SHOULD HAVE ULTIMATE RESPONSIBILITY FOR RESTORATION AND RECONSTRUCTION, AND SUGGESTED IT MAY WISH TO SEE A DIFFERENT MECHANISM THAN THE RIC IN THE FUTURE. PRISTINA OPPOSED THIS.

--EXHIBITION ARTEFACTS: PRISTINA CALLED FOR THE ARTEFACTS TAKEN ON LOAN FROM THE MUSEUM OF KOSOVO FOR EXHIBITIONS IN BELGRADE IN 1999 TO BE RETURNED "WHERE THEY BELONG." BELGRADE SAID "WHERE THEY BELONG" IS WHAT IS AT ISSUE AND PROMISED TO PROVIDE ITS CONSIDERED THOUGHTS IN DUE TIME.

AREAS OF AGREEMENT

14. (SBU) THE MAIN AREAS OF AGREEMENT WERE:

--STATUS OF SOC: PRISTINA MADE CLEAR IT ACCEPTS THE CHURCH, ITS INTERNAL HIERARCHY, AND FUNCTIONS. IT IS THE SOLE OWNER OF ITS PROPERTY, AND CAN DETERMINE ITS DISPOSITION. THE

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PRISTINA DELEGATION STRESSED THAT IT WANTS TO BE A PARTNER OF THE SOC.

--PHYSICAL SECURITY: THE SIDES AGREED THAT THERE NEEDS TO BE SPECIAL SECURITY FOR SOME SOC SITES AND MONUMENTS. BOTH SIDES GAVE UNOSEK LISTS OF SITES FOR SUCH PROTECTION. UNOSEK WILL REVIEW/RECONCILE AND CONSULT. BOTH SIDES AGREED THEY WANT AN INTERNATIONAL PRESENCE TO CONTINUE TO PLAY A ROLE IN PROVIDING SECURITY: BELGRADE WANTED IT FOR AN UNDEFINED TIME IN THE FUTURE, AND COULD NOT IDENTIFY WHAT THE INTERNATIONAL SECURITY PRESENCE SHOULD TRANSITION TO; PRISTINA PROPOSED ESTABLISHMENT OF A MULTI-ETHNIC (WITH LARGE QUOTAS FOR SERBS) SPECIAL BRANCH OF THE KPS.

--ACCESS: BOTH SIDES AGREED THE SOC SHOULD DETERMINE WHO HAS ACCESS TO CHURCH SITES (VISITORS, PILGRIMS, ETC.).

--FREEDOM OF MOVEMENT: BOTH SIDES AGREED IT SHOULD BE GUARANTEED FOR THE CLERGY, AND WILL CONSIDER MEANS TO ACHIEVE IT. PRISTINA MADE CLEAR THAT THE KPS AND OTHERS WOULD BE AVAILABLE FOR THIS PURPOSE.

--DUTY AND TAX PRIVILEGES: PRISTINA AND BELGRADE AGREED THAT THE SOC SHOULD HAVE IT (AS SHOULD OTHER RELIGIONS IN KOSOVO), AND RECOGNIZED THAT THE SOC MAY NEED ADDITIONAL PRIVILEGES GIVEN THE COMMERCIAL ENTERPRISES OF SOME MONASTERIES. THE SOC PROMISED TO PROVIDE A LIST OF "PARTICULAR NEEDS." PRISTINA PROMISED TO REVIEW THE LIST AND ADDRESS THE SOC'S CONCERNs.

--SUPPORT/WELFARE: BOTH SIDES AGREED THE SOC SHOULD BE ABLE TO ENJOY SUPPORT DONATED FROM ANY SOURCE, INCLUDING BELGRADE. BELGRADE CAN CONTINUE PAYING STIPENDS, PENSIONS, ETC. TO THE SOC AND ITS PERSONNEL AND PROVIDE SUPPORT TO SOC SCHOOLS. UNOSEK CLARIFIED THAT THESE ARE PRIVATE AND NOT PUBLIC SCHOOLS.

--IMPLEMENTATION COMMITTEE: PRISTINA AND BELGRADE AGREED THAT A GENERAL COMMITTEE SHOULD BE ESTABLISHED TO OVERSEE IMPLEMENTATION OF STATUS DOCUMENT PROVISIONS RELATED TO PROTECTION OF RELIGIOUS AND CULTURAL HERITAGE. BELGRADE UNDERTOOK TO PROVIDE ITS VIEWS ON TERMS OF REFERENCE AND COMPOSITION. PRISTINA SUGGESTED THAT THE COMMITTEE BE COMPRISED OF REPRESENTATIVES FROM THE KOSOVO GOVERNMENT, SOC, AND THE INTERNATIONAL COMMUNITY (LEAVING OUT BELGRADE REPRESENTATIVES).

RETURNS PROTOCOL

15. (SBU) ON THE MARGINS, BELGRADE AND PRISTINA CAME TO CLOSURE ON A FINAL TEXT FOR A RETURNS PROTOCOL. ALTHOUGH BELGRADE WAS PREPARED TO ANNOUNCE THAT THIS NEGOTIATION WAS COMPLETED FOLLOWING THE MAY 23 MEETING, PRISTINA REQUIRED MORE TIME FOR THE FINAL TEXT TO BE REVIEWED. UNOSEK UNDERSTANDS THE TEXT SHOULD BE SIGNED BY BOTH SIDES SHORTLY.

NEXT STEPS

16. (SBU) BOTH SIDES AGREED TO A UNOSEK-ORGANIZED/LED EXPERT TEAM COMPRISED OF BELGRADE, PRISTINA, SOC, COUNCIL OF EUROPE, UNESCO, AND UNMIK TO REVIEW POSSIBLE PROTECTION ZONES AND DEVELOP PROPOSALS. UNOSEK WILL BE LOOKING TO DO THIS QUICKLY. GIVEN THE DIFFERENCES IN CRITERIA, THE GROUP IS UNLIKELY TO HAVE CONSENSUS RECOMMENDATIONS.

MCCAW